

08 JAN 25 PM 1:26

Magistrate Case No.

08 MJ 02 26

COMPLAINT FOR VIOEATION OF:

Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)
Transportation of Illegal
Aliens

DEPUTY


Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Alejandro AMEZCUA-Manzo****Delfino BENITO-Gutierrez****PROBABLE CAUSE STATEMENT**

Furthermore, the complainant states that **Rutillo FELIPE-Bacilio, Roberto ELIAS-Hernandez, and M. S-A (a juvenile)** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On January 25, 2008, San Diego Sector Smuggling Interdiction Group (SIG) Agents were working near Shelter Valley, California in unmarked vehicles in a plain clothes capacity. Border Patrol Agents J. Hays and N. Gonzalez were observing traffic near the intersection of Highway 78 and State Route 2 (SR-2). At approximately 8:00 a.m., Agents observed a white Buick Roadmaster traveling north on SR-2 and turn east on Highway 78. The Buick then made a u-turn and returned to traveling south on SR-2. As it is common practice for alien smugglers to scout this exact location because it is the site of a Border Patrol Checkpoint that is operational at various times, Agents became suspicious. Approximately five minutes later, a white Ford F-150 truck was observed traveling north on SR-2 and turned east on Highway 78. After the Ford truck passed, the Buick which has last been seen heading south on SR-2, was seen again by Agents heading north on SR-2 and then turned east on Highway 78. Agent Hays relayed this activity to Agents E. Ortetga and H. Martinez.

Agents Ortega and Martinez followed the Ford truck east on Highway 78 until it parked at an empty campground. Agents Ortega and Martinez walked up to the truck and identified themselves as Border Patrol Agents to the seven occupants, including five which were laying down in the open bed of the truck. Agent Ortega questioned the driver, who was later identified as defendant #1 Alejandro AMEZCUA-Manzo, regarding his citizenship. AMEZCUA produced a Permanent Resident Card. Agents Ortega and Martinez questioned the front seat passenger, who was later identified as defendant #2 Delfino BENITO-Gutierrez, and the remaining five individuals in the bed of the truck regarding their citizenship. All six, including defendant BENITO, admitted that they were citizens of Mexico without any immigration documents allowing them to be in the United States legally. All seven individuals were placed under arrest and transported to the Murrieta Border Patrol Station for further interview and processing.

DEFENDANT STATEMENT (Alejandro AMEZCUA-Manzo):

AMEZCUA was advised of his Miranda Rights and stated that he understood his rights and agreed to speak with the Agents without an attorney present. AMEZCUA stated that he had received a phone call from BENITO while BENITO was still in Mexicali, Mexico and was told that he was going to cross with a lot of people, mostly kids. AMEZCUA stated that he had bought bread and sodas for the people because he knew they would have walked for two days.

AMEZCUA stated that he received a subsequent phone call from BENITO saying that they were freezing and needed a ride. After arriving at the pick up spot, everyone jumped in the back of the truck except BENITO who got into the cab of the truck.

AMEZCUA was shown a series of Polaroid photographs of everyone who was arrested this event and identified BENITO as the individual who brought the group from Mexico into the United States.

CONTINUATION OF COMPLAINT:**Delfino BENITO-Gutierrez****Alejandro AMEZCUA-Manzo****DEFENDANT STATEMENT (Delfino BENITO-Gutierrez):**

BENITO was advised of his Miranda Rights and stated that he understood his rights and agreed to speak with the Agents without an attorney present.

BENITO admitted that he is a citizen of Mexico and that he does not have any immigration documents allowing him to remain in the United States legally. BENITO stated that he called his friend Alejandro for a ride. BENITO stated that he instructed Alejandro via cellular phone of the exact pick up location. BENITO stated that he and five others were picked up by a white pickup truck. He further stated that he knew that the people were undocumented aliens. Although BENITO admitted that he travels frequently back to Mexico and knows the route to enter into the United States illegally, he claims he is not a foot guide.

BENITO was shown a series of Polaroid photographs of everyone who was arrested this event and identified AMEZCUA as driver of the vehicle.

MATERIAL WITNESSES STATEMENTS:

Material Witnesses **Rutillo FELIPE-Bacilio, Roberto ELIAS-Hernandez, and M. S-A (a juvenile)** each admitted to being citizens of Mexico without any immigration documents allowing them to enter or remain in the United States legally. They each stated that they crossed into the United States illegally on January 22, 2008. They each stated that they were picked up by a white pick-up truck. Material Witnesses Roberto ELIAS-Hernandez and M. S-A (a juvenile) stated that they had made arrangements to be smuggled into the United States. They were to pay \$1,000 USD and \$1,500 USD respectively. Material Witness Rutillo FELIPE-Bacilio stated that a friend made the arrangements and was going to pay his smuggling fee. Material Witnesses Rutillo FELIPE-Bacilio and Roberto ELIAS-Hernandez identified defendant AMEZCUA as the driver of the pick up truck from a series of Polaroid photographs of everyone arrested in this event.